

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERNIE HINES D/B/A COLORFUL MUSIC,

Plaintiff,

-against-

BMG RIGHTS MANAGEMENT (US) LLC,  
WARNER CHAPPELL MUSIC INC., SHAWN  
CARTER p/k/a JAY-Z and TIMOTHY MOSLEY  
p/k/a TIMBALAND,

Defendants.

Civil Action No.: 1:20-cv-03535 (JPO)

ECF CASE

**REPLY MEMORANDUM OF LAW OF BMG RIGHTS  
MANAGEMENT (US) LLC IN SUPPORT OF MOTION TO DISMISS  
PLAINTIFF'S SECOND AMENDED COMPLAINT**

MANATT, PHELPS & PHILLIPS, LLP  
7 Times Square  
New York, NY 10036  
(212) 790-4500

*Attorneys for Defendant BMG Rights Management (US) LLC*

Defendant BMG Rights Management (US) LLC (“BMG”) respectfully joins in and incorporates by reference the reply memorandum of law of Defendants Warner Chappell Music Inc., Shawn Carter, and Timothy Mosley (the “Moving Defendants”), which was filed today (the “Underlying Reply”). (Dkt. 76) As the Court is aware, BMG originally joined in the Moving Defendants’ motion to dismiss and the memorandum filed in support thereof (Dkt. 65). (Dkts. 67-68) Although BMG additionally moved to dismiss Count II of Plaintiff Ernie Hines’s (“Plaintiff”) Second Amended Complaint (“SAC”) (Dkt. 38) on the ground that BMG does not own or otherwise administer *Paper Chase*, the musical composition at issue in Count II of the SAC, Plaintiff has since filed a notice of dismissal concerning Count II. (Dkt. 73) Accordingly, BMG does not provide further argument concerning Count II, and rests on its joinder in the Underlying Reply. For all of the reasons set forth in the Underlying Reply, BMG respectfully requests that the Court dismiss Plaintiff’s lawsuit with prejudice pursuant to Rule 12(b)(6).

Dated: New York, New York  
February 11, 2021

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Robert A. Jacobs

Robert A. Jacobs  
7 Times Square  
New York, NY 10036  
Telephone: (212) 790-4500  
Facsimile: (212) 790-4545  
E-Mail: rjacobs@manatt.com

Maura K. Gierl (*pro hac vice* application forthcoming)  
2049 Century Park East, Suite 1700  
Los Angeles, California 90067  
Telephone: (310) 312-4000  
Facsimile: (310) 312-4224  
E-Mail: mgierl@manatt.com

*Attorneys for Defendant BMG Rights Management (US) LLC*